THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2308 of 2006

Dated: 21-09-2006

Between:

Jakkamreddy Rami Reddy.

..... PETITIONER

AND

The Joint Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.2308 of 2006

ORDER:

The petitioner is resident of Kadivedu Village, Chillakur Mandal, Nellore District. He was assigned land admeasuring Acs.5.00 in survey No.68/1 situated in said village by proceedings dated 24-07-1980 issued by the then Tahsildar. The petitioner was put in possession and he was cultivating the land. However, in May, 1989, the Mandal Revenue Officer (MRO) Chillakur, resumed the land on allegation that the petitioner obtained D form patta by misrepresentation and that he did not bring the land under cultivation. The petitioner availed the remedy of appeal before the Joint Collector, respondent No.1 herein. The matter was remanded to the Revenue Divisional Officer (RDO), Nellore, respondent No.2, who by proceedings dated 13-04-2005 restored the land to the petitioner. It appears that at that stage one P. Mohita, respondent No.4 and seven others filed representation before respondent No.1. The same was considered as revision petition and by impugned order dated 25-01-2006, while suspending the orders of RDO dated 13-04-2005, respondent No.1 directed MRO to take possession of the land from the petitioner. Aggrieved by the same the present writ petition is filed.

This Court, while admitting the writ petition, on 07-02-2006 passed interim order in W.P.M.P.No.2801 of 2006 suspending the order of respondent No.1. Respondent Nos. 1 to 3 and respondent Nos.4 and 5, who were impleaded today, filed interlocutory applications, being W.V.M.P.No.624 of 2006 and W.V.M.P.(SR)No.61469 of 2006, to vacate the interim order. In the counter-affidavit filed by official respondents, it is stated that initially land admeasuring Acs.5.00 in survey No.68/1 was assigned to the petitioner but he is trying to grab the entire extent of Acs.8.15 cents in said survey number. All other allegations made by the petitioner are denied. Today, when the interlocutory applications, being W.V.M.P.No.624 of 2006 and W.V.M.P.(SR)No.61469 of 2006 and W.P.M.P.No.2801 of 2006, are taken up, the learned Assistant Government Pleader for Revenue (Assignment), *inter alia,* submits that respondent No.1 passed interim orders – impugned herein; suspending the

orders of RDO and that the matter is still pending before respondent No.1. In that view of the matter, this Court is not inclined to go into the controversy, especially when it is admittedly that petitioner was not given any notice before passing the impugned order nor the petitioner denies that he was assigned only Acs.5.00 in survey No.68/1.

Therefore, the writ petition is disposed of directing respondent No.1 to dispose of the revision petition pending before him within a period of four weeks from the date of receipt of a copy of this order after issuing notice to the petitioner and respondent Nos. 4 and 5. It shall also be open to the petitioner to approach respondent No.1 with a copy of this order and produce all the material. Till then there shall be *status quo* as on today. No costs.

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(**V.V.S.RAO, J**)

21st September, 2006
ghn